

REMARKS**Status of the Claims**

Claims 1-26 are currently present in the Application, and claims 1, 10, 15, and 24-26 are independent claims. No claims have been amended, canceled, or added in this Response.

Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sayag, U.S. Patent No. 6,898,602 (hereinafter Sayag) in view of Rodriguez et al., U.S. Patent No. 6,725,241 (hereinafter Rodriguez). Applicant respectfully traverses the rejections under 35 U.S.C. § 103.

The Rodriguez patent and the instant Application were, at the time that the invention was made, both owned by, or subject to an obligation of assignment to International Business Machines Corporation. 35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The instant Application was filed on or after the filing date of the Rodriguez patent. The Rodriguez patent qualifies as prior art only under 35 U.S.C. § 102(e). The instant Application and the Rodriguez patent were commonly owned or subject to an obligation of assignment to the same person (i.e. IBM Corporation) at the time the invention was made. Therefore, the Rodriguez patent cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability of claims 1-26 of the present Application. As

such, Applicant respectfully requests the rejections under 35 U.S.C. § 103 be withdrawn, and that claims 1-26 be allowed.

Conclusion

As a result of the foregoing, it is asserted by Applicant that the remaining claims in the Application are in condition for allowance, and Applicant respectfully requests an early allowance of such claims.

Applicant respectfully request that the Examiner contact the Applicant's attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By /Joseph T. Van Leeuwen, Reg. No. 44,383/
Joseph T. Van Leeuwen, Reg. No. 44,383
Van Leeuwen & Van Leeuwen
Attorneys for Applicant
Telephone: (512) 301-6738
Facsimile: (512) 301-6742